



SMX 3110 (2000-024CIP1)
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Cong, et al.

Art Unit 3743

Serial No. 09/852,159

Filed May 9, 2001

Confirmation No. 3966

For COOLING APPARATUS FOR A MULTIPLEXED CAPILLARY
ELECTROPHORESIS SYSTEM

Examiner Tho V. Duong

August 23, 2004

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

TO THE COMMISSIONER FOR PATENTS,

SIR:

Applicants acknowledge receipt of the Notice of Allowance and Fee(s) Due dated June 16, 2004.

Regarding the Examiner's statement of reasons for allowance, it should be noted that claims 32 and 35 do not recite "a closed position in which the outer jacket members are mated together around the inner jacket . . .," as noted in the Notice of Allowance (page 2, lines 11 and 12 (emphasis added)).

It is submitted that a reason for the allowance of claim 32 and the claims depending therefrom is that the cited prior art neither teaches nor fairly suggests the combination of the following features:

apparatus for cooling a bundle of capillary tubes to prevent overheating of the tubes during a parallel capillary electrophoresis procedure, said apparatus comprising

an inner jacket of thermally conductive, electrically insulating solid material comprising mating inner jacket members movable between an open position in which the inner jacket members are separated to allow placement of the bundle in the jacket and a closed position in which the inner jacket members are mated together and the bundle is disposed inside the inner jacket in thermally conductive relation with the inner jacket,

an outer jacket of thermally conductive solid

material comprising mating outer jacket members movable between an open position in which the jacket members are separated and a closed position in which the **jacket members are mated together on opposite sides of the inner jacket** and in thermally conductive relation therewith,

a cushion of thermally conductive, cushioning material disposed inside the inner jacket for cushioning the bundle when the inner and outer jacket members are in said closed position, and

a mechanism for moving the inner jacket members closer together to press the cushion against said bundle,

said mating inner and outer jacket members defining a window for permitting the passage of light through the window and the tubes of the bundle at the location of the window.

(Amendment A, May 26, 2004, pages 7 and 8, claim 32 (emphasis added)).

It is also submitted that a reason for the allowance of claim 35 is that the cited prior art neither teaches nor fairly suggests the combination of the following features:

apparatus for cooling a bundle of capillary tubes to prevent overheating of the tubes during a parallel capillary electrophoresis procedure, said apparatus comprising

an inner jacket of thermally conductive, electrically insulating solid material comprising mating inner jacket members movable between an open position in which the inner jacket members are separated to allow placement of the bundle in the jacket and a closed position in which the inner jacket members are mated together and define a shallow recess extending between opposite ends of the inner jacket members for receiving said bundle of capillary tubes with the tubes arranged side-by-side in the recess with no intervening structure between the tubes and with the tubes in thermally conductive relation with the inner jacket,

an outer jacket of thermally conductive solid material comprising mating outer jacket members movable between an open position in which the jacket members are separated and a closed position in which the **jacket members are mated together on opposite sides of the inner jacket** and in thermally conductive relation therewith, and

a cushion of thermally conductive, cushioning material disposed inside the inner jacket for cushioning the bundle when the inner and outer jacket members are in said closed position,

said mating inner and outer jacket members defining a window for permitting the passage of light through the window and the tubes of the bundle at the location of the window

(Amendment A, May 26, 2004, pages 8 and 9, claim 35 (emphasis added)).

Respectfully submitted,



Michael E. Godar, Reg. No. 28,416
SENNIGER, POWERS, LEAVITT & ROEDEL
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

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Examiner Duong, Tho V.
Allowed June 16, 2004

August 23, 2004

LETTER TO THE OFFICIAL DRAFTSMAN

TO THE COMMISSIONER FOR PATENTS

SIR:

In compliance with the notice in Form PTOL-37 in the
above-entitled application, applicant files herewith twenty (20)
sheets of formal drawings to replace the drawings now on file.

Respectfully submitted,

Michael E. Godar

Michael E. Godar, Reg. No. 28,416
SENNIGER POWERS
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

MEG/dlw

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